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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,700	04/25/2006	Detlev Wittmer	WITT3005/FJD	8701
23364 7590 02/17/2009 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314-1176				
EXAMINER				
WU, JUNCHUN				
ART UNIT		PAPER NUMBER		
2191				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/534,700

**Applicant(s)**

WITTMER ET AL.

**Examiner**

JUNCHUN WU

**Art Unit**

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is in response to RCE filed on Nov. 28, 2008.
2. Claims 5-10 are pending in this application.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over (“PROFIBUS technology and application – system description” Oct. 2002, hereinafter “PROFIBUS”), in view of Diedrich et al. (“Field Device Integration in DCS Engineering using a Device Model” hereinafter “Diedrich”)

Per claim 5

PROFIBUS discloses

A method for producing software modules for field devices for process automation technology, wherein the software modules serve as device descriptions and have defined interfaces for application programs in process control systems (See PROFIBUS page 27 Section 7.3 under “*Device Description as Software Component*”) comprising the steps of:

But PROFIBUS does not explicitly disclose

- syntactically and semantically correct and producing device descriptions by means of a compiler and converting device descriptions into software module by means of a compiler.

However, Diedrich discloses

- syntactically and semantically correct (e.g. on page 165, 1st paragraph "*The device description has to be based on a device model, because of the semantic behind the lexical and syntactical elements.*")
- producing standard device descriptions, from standard device descriptions for field devices by means of a first compiler or generator (e.g. on page 167, last paragraph "*Firstly the Device description has to be generated. This is done by compilers or translators, which translate the ASCII device descriptions (based on the specific languages such as GSD, DDL or even c++ or Java) into the DD*" see Figure 6).
- converting standard device descriptions further into corresponding software modules by means of a second compiler (e.g. on page 168, 2<sup>nd</sup> paragraph "*The following tools have to be available (see Figure 7): an editor, a compiler, an interpreter for the handling of the device description, and PC Software with the components HMI interface and API mapping interface for the use of the Device Description by the operator. The editor is the front end to the device manufacturer who provides the machine readable device description. The compiler translates these DDs into the DCOM server format. These two tools will be used in advance of the usage of the device by the device manufacturer.*")

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- Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teaching of PROFIBUS with the teachings of Diedrich to include syntactically and semantically correct and producing device descriptions by means of a compiler and converting device descriptions into software module by means of a compiler in order to provide a method for field device offers diagnosis, Maintenance and pre-processing functions. (see Diedrich's abstract)

Per claim 6

The rejection of claim 5 is incorporated and PROFIBUS further discloses

- interfaces and the software modules meet the FDT/DTM specifications (PROFI BUS Guideline -Order No. 2.162 "Specification for Profibus Device Descriptions and Device Integration", Volume 3) (See PROFIBUS page 27 Section 7.3 *"The FDT Interface"* & *"DTM (device type manager) is integrated in the engineering tool or control system over the FDT interface."*).

Per claim 7

The rejection of claim 5 is incorporated and PROFIBUS implicitly discloses

- the standard device descriptions are one of: PDM device descriptions, HCF device descriptions or company-specific device descriptions (In the ordinary skill of art,

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PDM (Process Device Manager) is an universal tool for configuration, parameter assignment, commissioning, diagnostics and maintenance of intelligent field devices and automation components and also HCF (HART® Communication Foundation) standard device description is a comprehensive set of software tool for development, testing and maintenance of HART device descriptions. Those tools are well known and may use in PROFIBUS).

Per claim 8

The rejection of claim 5 is incorporated and PROFIBUS further discloses device description is an EDD 1.1 device description (PROFIBUS Guideline -Order No. 2.162 "Specification for Profibus Device Descriptions and Device Integration", Volume 2) (See PROFIBUS page 27 Section 7.2 *"The specification of the EDDL is an integral component of the international standard IEC 61804."*).

Diedrich discloses

syntactically and semantically correct (e.g. on page 165, 1st paragraph *"The device description has to be based on a device model, because of the semantic behind the lexical and syntactical elements."*)

Per claim 9

The rejection of claim 8 is incorporated and PROFIBUS further discloses

- comprising the step of: producing the EDD 1.1 device descriptions PDM device descriptions (In the ordinary skill of art, PDM (Process Device Manager) is an universal tool for configuration, parameter assignment, commissioning, diagnostics and maintenance of intelligent field devices and automation components. The tool is well known and may use in PROFIBUS).

Per claim 10

The rejection of claim 8 is incorporated and PROFIBUS further discloses

- comprising the step of: using the second compiler to produce graphical user interfaces in XML language from the EDD 1.1 device descriptions (on page 31 *"The component editor interface generates the component description in the form of an XML file whose configuration and contents are defined in the PROFInet specification."*)

### ***Response to Arguments***

Applicant's arguments filed on Oct. 3, 2008 have been fully considered but they are not persuasive.

- In the remarks, Applicant argues that:
  - (a) In regard to independent claim 5, references fail to teach or suggest syntactically and semantically correct and producing device descriptions by means of a compiler and converting device descriptions into software module by means of a compiler.

### **Examiner's response:**

Examiner disagrees.

(a) Applicant's arguments with respect to claim 5 has been considered but are moot in view of the new ground(s) of rejection – see Diedrich, arts made of record, as applied hereto.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNCHUN WU whose telephone number is (571)270-1250. The examiner can normally be reached on 8:00-17:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JW  
/Wei Y Zhen/  
Supervisory Patent Examiner, Art Unit 2191